Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

II

98TH CONGRESS
1ST SESSION

S. 452

To establish public buildings policies for the Federal Government, to establish the Public Buildings Service in the General Services Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3 (legislative day, JANUARY 25), 1983

Mr. STAFFORD (for himself, Mr. MOYNIHAN, Mr. SIMPSON, and Mr. RANDOLPH) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To establish public buildings policies for the Federal Government, to establish the Public Buildings Service in the General Services Administration, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Buildings Act of 1983".

SEC. 2. It is hereby declared to be the policy of the Congress that the public buildings of the United States Government shall be located, designed, furnished, and maintained

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

so as to ensure the highest productivity and efficiency of Federal agencies and their employees and, further, to provide Government services throughout the United States in locations convenient to the people, to preserve and advance the Nation's legacy of architectural excellence, and to enhance commercial and cultural conditions in the vicinity of public buildings.

TITLE I—GENERAL AUTHORITIES

SEC. 101. The Administrator of General Services, acting through the Public Buildings Service, in conformance with the policies and provisions of this Act, shall have sole authority to acquire, design, construct, lease, manage, maintain, repair, renovate, and assign and reassign space in, buildings and sites to meet the public buildings needs of the Government.

SEC. 102. There is hereby established in the General Services Administration a Public Buildings Service. There shall be at the head of the Public Buildings Service a Commissioner of Public Buildings who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level IV of the Executive Schedule (5 U.S.C. 5332).

SEC. 103. There shall be within the Public Buildings Service a Supervising Architect who shall be appointed by the Administrator of General Services and shall be compen-

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

sated at the rate provided for level V of the Executive Schedule (5 U.S.C. 5332). The Supervising Architect shall supervise all design activities of the Public Buildings Service and shall perform such other duties as the Commissioner of Public Buildings may designate.

SEC. 104. Any authorities described in section 101 of this Act that have been delegated by the Administrator to another Federal agency prior to the date of enactment of this Act shall be revoked and vested in the Administrator on the one-hundred-and-twentieth day after the effective date of this Act unless, prior to said day, the Administrator has delegated such authority in accordance with section 105 of this Act.

SEC. 105. Notwithstanding the provisions of section 205 of the Federal Property and Administrative Services Act of 1949, as amended, the Administrator may delegate all or a portion of his authorities under this Act to the head of another Federal agency, but only with respect to the public buildings needs of that agency.

SEC. 106. The head of any Federal agency delegated authorities pursuant to section 105 of this Act, shall exercise those authorities in conformance with the provisions of this Act; however, the head of any such agency shall not submit the report required in section 107 but shall submit the information required in section 107 to the Administrator for inclusion in his records and reports.

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

SEC. 107. (a) The Administrator shall submit a report to the Congress on or before February 1 of each year describing activities undertaken, directly by him, or under authorities delegated pursuant to section 105 of this Act, to meet the public buildings needs of Federal agencies in the preceding fiscal year. Such report shall include, but is not limited to—

(1) an inventory of all public buildings, including for each building its location and the amount of space and number of employees assigned to each Federal agency;

(2) an inventory of locations of Federal agency offices in leased buildings, including for each leased location its annual leasing costs, total expected leasing costs over the remaining term of the lease, and the amount of space and number of employees assigned to each Federal agency;

(3) a list of all construction and renovation projects completed and in progress and the degree of progress toward the completion of each;

(4) a list of all leases and lease renewals executed;

(5) a list of construction, acquisition, and renovation projects the cost of which have exceeded, or are expected to exceed, the maximum cost set forth in any annual authorization under this Act, whether or not

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

such projects meet the criteria established in section 806 of this Act;

(6) a list of all delegations of authority made by the Administrator pursuant to section 105 of this Act;

(7) a report on activities undertaken pursuant to—

(A) titles IV and V of this Act;

(B) section 210(a)(6) of the Federal Property and Administrative Services Act of 1949, as amended, or by transfer of funds from any Federal agency; and

(8) a discussion of achievements and problems in carrying out provisions of this Act and in meeting the public buildings needs of the Government.

(b) The Administrator shall collect and maintain such information as may be necessary to keep the Congress fully and currently informed of the conduct of the Public Buildings Service and to manage activities required under the provisions of this Act. Within one year after enactment of this Act, the Administrator shall assure that information is available on—

(1) for each public or leased building—

(A) the amount of vacant space,

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

(B) the amount of space leased under section 102 of the Public Buildings Cooperative Use Act of 1976, as amended,

(C) building operations costs,

(D) income derived for the Federal Buildings Fund,

(E) needed repairs and renovation,

(F) energy consumed,

(G) the extent to which it is fully accessible to physically handicapped persons in accordance with the Architectural Barriers Act of 1968, as amended,

(H) the percent of the building leased by the Government,

(I) the total amount of funds that have been expended in improvements or alterations to each leased building, and

(J) the term of any leases in effect and their expiration dates.

(2)(A) All contracts in effect for architectural, engineering, construction, maintenance, protection, research and other services, including for each the name of the contractor, the services performed, and contract term and price, and

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

(B) the space utilization rate for each Federal agency.

SEC. 108. (a) The Administrator shall require, prior to executing any lease or other contract which would obligate funds in excess of $10,000 authorized pursuant to this Act, a certification from the owner of the space to be leased or the contractor. Any owner or contractor who fails to complete such certification required under this subsection shall not be eligible to receive a lease or contract award. Such certification shall include, but need not be limited to, statements, declaring under penalty of law provided under section 1001 of title 18, United States Code, or elsewhere, that such owner or contractor, or any of his officers or principal employees:

(1) has no business or employment relationship or interest or holding which constitutes a conflict of interest with his capacity as a lessor or contractor with the United States;

(2) has not offered or promised anything of value to a public official with the intent to influence any official act or to induce the official to perform, or to omit to perform, any act in violation of his lawful duties or to offer or give anything of value to a public official for performing an official act;

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

(3) has not been debarred or suspended from the award of public contracts;

(4) has not had a public contract terminated for default;

(5) has not been convicted, within ten years prior to the date of the solicitation, of, or is not currently under indictment for or otherwise charged with—

(A) a criminal offense incident to obtaining or attempting to obtain a public (Federal, State, or municipal) or private, contract or subcontract thereunder, or in the performance of such a contract or subcontract;

(B) a violation of the Organized Crime Control Act of 1970;

(C) a violation of Federal antitrust statutes arising out of the submission of bids or proposals or;

(D) embezzlement, theft, forgery, bribery, falsification or destruction of records, fraud, tax fraud, receiving stolen property, or equivalent crimes which are indicative of a lack of business integrity.

(b) The Administrator shall provide in the annual report required under section 107(a) of this Act, the name of each principal owner of blocks of space exceeding fifty thousand

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

square feet which are leased during the fiscal year covered by the report.

SEC. 109. (a) The Administrator shall keep the Congress fully and currently informed of policies and activities of the General Services Administration within the purview of this Act. In addition, he shall make available to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on request, and in such manner as may be necessary to safeguard individual rights or the conduct of criminal investigations, any document, material, information, or report under his jurisdiction.

(b) Such reports as are required to be transmitted to appropriate committees of the Congress by the Administrator in accordance with sections 5(b) and 5(d) of Public Law 95–452 that pertain to problems, abuses, or deficiencies arising under this Act, shall be transmitted simultaneously to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

SEC. 110. (a) The Administrator shall be responsible for the interpretation of all contracts entered into on behalf of the United States Government to carry out the purposes of this Act, and shall be responsible for the approval of materials, workmanship, and services supplied pursuant to such

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

contracts, approval of changes in contracts, certification of vouchers for payments due contractors, and final settlements.

(b) The Administrator may conduct research and post-occupancy evaluation to determine and improve the effectiveness of existing and planned public buildings in providing productive, safe, healthful, economical, conveniently located, energy efficient, and architecturally distinguished accommodations for Federal agency offices.

SEC. 111. Nothing in this Act shall be construed to affect the authorities granted in section 403f, 403g, or 403j of title 50, United States Code.

SEC. 112. As used in this Act—

(1) The term "Administrator" means the Administrator of General Services.

(2) The term "Federal agency" means any department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation, and any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and activities under his direction).

(3) The term "office" means any organizational component of a Federal agency or other public or private enterprise and also means the physical space in which the work of the component is conducted, including, but not limited to clerical

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

offices, laboratories, warehouses, industrial plants, and garages.

(4) The term "officers and employees of the Government" means all persons included under sections 2104 and 2105 of title 5 of the United States Code.

(5) The term "locality" means a city, county, town, parish, village, or other area governed by a general purpose political subdivision of a State.

(6) The term "geographical area" means an area encompassing a population of no less than one million persons, except that in the case of a State or territory having a population of less than one million persons, it means the State or territory.

(7) The term "acquire" or "acquisition" includes purchase, payment for an option to purchase, condemnation, donation, and exchanges of real property, or interests therein, excluding leaseholds.

(8) The term "renovation" means alteration, addition, partial demolition, and other such actions that significantly enhance or change the use or architectural design of a public building.

(9) The term "major construction and acquisition project" means construction or acquisition of a building of ten thousand gross square feet of floor space or the acquisition of a site at a total cost of one million dollars or more.

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

(10) The term "major renovation, alteration and repair project" means such a project having a total cost of one million dollars or more.

(11) The term "historic, architectural, or cultural significance" includes, but is not limited to buildings listed or eligible to be listed on the National Register established under section 101 of the Act of October 15, 1966 (16 U.S.C. 470a).

(12) The term "physically handicapped person" means any individual with a physical impairment that precludes such person's use of a building to the same extent that an individual with unimpaired mobility can use such building.

(13) The term "fully accessible" means the absence or elimination of physicial and communications barriers to the ingress, egress, movement within, and use of a building by handicapped persons and the incorporation of such equipment as is necessary to provide such ingress, egress, movement, and use and, in a building of historic, architectural, or cultural significance, the elimination of such barriers and the incorporation of such equipment in such a manner as to be compatible with the significant architectural features of the building to the maximum extent possible.

(14) The term "public building" means any building along with its grounds, approaches, and appurtenances, owned by the United States Government or the subject of a

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

contractual or other agreement under which it may be owned by the United States Government at some certain date in the future, that accommodates, did accommodate, or is intended to accommodate Federal agency offices, and includes, but is not limited to office buildings, courthouses, research and academic centers, border stations, garages and warehouses, and any other building or construction project the inclusion of which the President may deem to be in the public interest, but does not include buildings or installations of the United States Postal Service, except as provided for under section 2002(d) of the Postal Reorganization Act, or buildings or installations of the Tennessee Valley Authority, or buildings of the Government Printing Office, or buildings: on the public domain (including that reserved for national forests and other purposes), on properties of the United States in foreign countries, on Indian and Native Eskimo properties held in trust by the United States, on lands used in connection with Federal programs for agricultural, recreational, and conservation purposes, on or used in connection with river, harbor, flood control, reclamation or power projects, chemical manufacturing or developing projects, or for nuclear production, research, or development projects, on military installations (including any fort, post, airbase, proving ground, supply depot, school or similar facility of the Department of Defense), on Veterans' Administration installations used for hospital, nurs-

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

ing home, or domiciliary purposes, on or used in connection with housing and residential projects, or on the United States Capitol grounds delineated in section 193(a) of title 40, United States Code.

(15) The term "public buildings needs" means the requirements of Federal agencies for suitable space, whether or not in a Government-owned building, to accommodate offices that may be located in a public building as defined in subsection (14) of this section, and includes requirements for space in accordance with section 102 of the Public Buildings Cooperative Use Act of 1976, as amended.

(16) The term "National Capital region" has the same meaning that it bears in section 71(b) of title 40, United States Code.

SEC. 113. The Public Buildings Act of 1959, as amended, is repealed.

TITLE II—LOCATIONS FOR FEDERAL AGENCY OFFICES

SEC. 201. (a) The headquarters offices of each department and major independent establishment in the executive branch shall be located within the National Capital region in conformance with the comprehensive plan prepared and adopted pursuant to the National Capital Planning Act of 1952, as amended, unless otherwise specified by Act of Congress.

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

(b) Regional, district, area, or local offices of Federal agencies shall be located so as to be centrally located with respect to, in proximity to, or within easy transportation access of, residential populations they serve or other governmental and private offices with which they must maintain continuing and frequent physical communication.

(c) Federal agency offices other than those that are located pursuant to subsection (a) or (b) of this section, or that otherwise must be located close to specific governmental or private offices or in specific geographic locations in order effectively to carry out their responsibilities, shall be located throughout the United States generally in proportion to the geographic distribution of the Nation's population.

SEC. 202. After conforming with section 201, the Administrator shall, in consultation with local officials, take into account the following factors in locating Federal agency offices—

(1) the costs, including relocation and operating costs, of proposed locations;

(2) in the case of any office located in a standard metropolitan statistical area, the feasibility and desirability of a location in the central business district of a city within that area;

(3) the proximity of existing or planned public transportation facilities;

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

(4) the proximity of public amenities and commercial facilities; and

(5) the availability, nearby or within reasonable public transportation commuting distance, of existing or planned housing adequate to the needs of present and prospective Federal employees and available on a nondiscriminatory basis.

SEC. 203. In responding to the public buildings needs of Federal agencies and in planning for future such needs, the Administrator shall first comply with sections 201 and 202 and shall—

(1) review needs to determine if they can be met in whole or in part through more productive use of existing space;

(2) prior to acquiring, constructing, or leasing space in any other building, locate Federal agency offices in—

(A) existing public buildings, giving first priority to utilizing fully, by renovating if need be, those public buildings of historic, architectural, or cultural significance; and if public building space is not available, then

(B) in buildings of historic, architectural, or cultural significance acquired by the Administrator, and renovated if need be, unless use of such

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

space would not prove feasible and prudent, taking into account cost, expected date of occupancy, and the potential for the conservation of energy, compared with construction of a public building, and if such building space is not available, then

(C) in existing buildings acquired by the Administrator and renovated if need be, or in new buildings constructed by the Administrator under the provisions of this Act, and if such building space cannot be made available in time to meet urgent public buildings needs, then

(D) in building space leased by the Administrator in accordance with the provisions of title VII of this Act, giving first priority to leasing space in buildings, of historic, architectural, or cultural significance, unless such leasing would not prove feasible and prudent compared with the cost and with the potential for the conservation of energy of leasing at another location.

SEC. 204. Federal agency offices in a locality may be consolidated to the extent justified by the need for immediate physical proximity and by anticipated cost savings—

(A) first, within and among the offices of a single Federal agency,

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

(B) second, within and among the offices of Federal agencies carrying out related functions, and

(C) third, within and among other Federal agency offices,

generally so that resulting public buildings needs may, to the maximum extent possible, be met by using existing public buildings, by constructing or acquiring buildings of a scale similar to the predominant scale of buildings existing in or planned for their surroundings, or by acquiring two or more reasonably proximate buildings, particularly buildings of historic, architectural, or cultural significance.

SEC. 205. (a) In the event that the head of a Federal agency determines that the location assigned to any office of fifty or more employees of that agency by the Administrator would be deleterious to the efficient accomplishment of the office's responsibilities, the agency head may appeal the decision of the Administrator to the Director of the Office of Management and Budget. The Director shall review the Administrator's decision within thirty days in accordance with the provisions of this title, and shall nullify the decision only if the Director finds the Administrator's decision not reasonably supported by the facts. The Director shall report the findings of any review undertaken pursuant to this section within ten days to the Committee on Environment and Public

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(b) Notwithstanding the provisions of subsection (a) of this section, in the event that the Director of the Administrative Office of the United States Courts determines that the location assigned to an office of the judicial branch by the Administrator would be deleterious to the efficient accomplishment of the office's responsibilities, the Director shall report such determination to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

SEC. 206. (a) Noncompliance with the provisions of this title of this Act on the date of enactment shall not be construed to require the relocation of any Federal agency office.

(b) Any action to locate or relocate any Federal agency office subsequent to the date of enactment of this Act shall be undertaken in conformance with the provisions of this Act.

TITLE III—DESIGN AND MANAGEMENT OF PUBLIC BUILDINGS

SEC. 301. The Administrator shall design and maintain public buildings in such manner that they bear visual testimony to the dignity, enterprise, vigor, and stability of the American Government, embody the finest contemporary American architectural thought, and where appropriate, reflect regional architectural traditions.

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

SEC. 302. Except as provided in section 303, public buildings shall be of such design and construction as to approximate the costs, durability, and ratio of net usable space to gross space of commercial buildings that serve similar purposes. In any case in which the Administrator, pursuant to section 801 of this Act, requests authorization for appropriations for a public building that would exceed the cost, durability, or space standards of this section, he shall explain the amount and cause of such excess in the list required pursuant to section 801(a)(2).

SEC. 303. Whenever the Administrator designs and constructs—

(1) a general purpose office building expected to attract significant public use in any locality that serves as a center of its geographical area, or

(2) a headquarters building for any Federal agency,

such public building shall be designed and constructed to higher standards of quality than that provided for in section 302 of this Act and such design and construction shall symbolize the dignity of the United States Government through the quality or scale of some or all of its architectural details, materials, and public areas: *Provided,* That this section shall not apply to public buildings described in clause (1) of this section whenever the Administrator determines that there al-

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

ready exists in the locality a public building of the quality described in this section.

SEC. 304. In the design, construction, acquisition, renovation, and management of public buildings, the Administrator shall assure that, to the extent possible, and consistent with minimizing costs, such buildings—

(1) conform to or complement the scale of existing or planned surrounding buildings;

(2) conserve energy;

(3) provide efficient and attractive interiors, including public reception areas;

(4) provide parking space for Government motor vehicles and handicapped employees as necessary, and such other parking space for visitors and employee vehicles as is consistent with a general policy of transportation efficiency and energy conservation; and

(5) contain architectural details and hardware that are an integral part of the structure or fixtures and that are designed and fabricated so as to enhance the function and appearance of the public building and to reflect regional architectural traditions or Federal agency functions. Artisans and craftsmen expert in the creative use of such materials as stone, brick, metal, wood, and stained glass may be employed to carry out the purposes of this paragraph. To the extent that

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

items designed and fabricated pursuant to this paragraph exceed the ordinary cost of such items, funds allocated pursuant to section 503(c) of this Act shall be used to defray the additional cost.

SEC. 305. The Administrator shall provide sheltered and secure locations and equipment for parking bicycles, and may provide suitable support facilities, at each new public building as necessary to facilitate bicycle use by employees and visitors. He shall provide similar bicycle parking and facilities at existing public buildings and leased buildings where he determines bicycle use is, or may become of sufficient magnitude to warrant the expenditure required.

SEC. 306. (a) Public buildings shall be maintained at all times at a high level of appearance, cleanliness, and mechanical and structural fitness so as to maintain the dignified appearance of Federal offices and the health, safety, and efficiency of Federal employees, and to minimize major repair and replacement expenditures.

(b) Each public building shall be maintained and renovated so as to promote efficient Federal agency and public use and to preserve those portions or features that are significant to the building's historic, architectural, or cultural values.

SEC. 307. (a) Nothing in this Act (except for the provisions of this section) shall affect the applicability of the provi-

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

sions of the Act of August 12, 1968, as amended, commonly known and hereinafter referred to as the Architectural Barriers Act of 1968, as amended, to any building or facility.

(b) The Architectural Barriers Act of 1968 is amended—

(1) in clause (1) of the first section, by striking out "constructed or altered" and inserting in lieu thereof, "constructed, altered, or acquired";

(2) in sections 2, 3, 4, and 4a, by striking out "physically handicapped persons will have ready access to, and use of, such buildings" and inserting in lieu thereof "such buildings are fully accessible to physically handicapped persons";

(3) in section 5, by inserting before the period a comma and "and any contract for all or any part of the design, construction, or alteration involved shall so provide"; and

(4) in section 6—

(A) by inserting "(a)" before "The";

(B) by inserting "(hereinafter in this section referred to as the 'standard-prescribing agency head concerned)" after "section 4a of this Act";

(C) by striking out "the Administrator or Secretary, as the case may be" and in-

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

serting in lieu thereof "the standard-prescribing agency head concerned"; and

(D) by adding a new subsection as follows:

"(b) No action may be taken under this section to modify or waive a standard issued under this Act unless—

"(1) in the case of a waiver, the waiver pertains to a building to be leased (other than a building to be constructed for lease) and the waiver is necessary to meet an emergency situation, or

"(2) in the case of a modification (A) the modification is no broader than necessary, and (B) in the case of a building to be constructed or altered, (i) the need for such modification was not reasonably foreseeable when the design for such construction or alteration was approved, or (ii) the standard-prescribing agency head concerned determines, pursuant to regulations prescribed by such agency head, that such modification is essential to achieving the purposes of the construction or alteration."; and

(5) by inserting at the end the following new section:

"SEC. 8. As used in this Act—

"(1) the term 'physically handicapped person' means any individual with a physical impairment that

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

precludes such person's use of a building to the same extent that an individual with unimpaired mobility can use such building, and

"(2) the term 'fully accessible' means the absence or elimination of physical and communications barriers to the ingress, egress, movement within, and use of a building by handicapped persons and the incorporation of such equipment as is necessary to provide such ingress, egress, movement, and use and, in a building of historic, architectural, or cultural significance, the elimination of such barriers and the incorporation of such equipment in such a manner as to be compatible with the significant architectural features of the building to the maximum extent possible.".

SEC. 308. (a) The Administrator is authorized, pursuant to subsection (b) of this section, and upon the request of appropriate local and State officials, to name any public building after, and establish a memorial in any public building in honor of, any person who has made notable contributions to government, science, industry, education, the arts, or other fields of human endeavor. Such person, if living, must be at least seventy years of age. No public building shall be named for a sitting Member of Congress or for a former Member of Congress who holds any other elective public office.

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

(b) The Administrator is authorized to expend, out of any funds available to him in any fiscal year, an amount equal to but no greater than contributions provided by State or local governments or private entities or individuals, and in no event greater than the sum of $10,000, for the design and construction of a memorial to a person designated pursuant to subsection (a) of this section, or designated by an Act of Congress.

(c) The Administrator, in consultation with appropriate local and State officials and other interested citizens, shall determine the form and location of such memorials. The memorials shall be fountains, gardens, walks, stained glass windows, or other building appurtenances visible and accessible to visitors, and in harmony with the architectural and landscape design of such building. The Administrator shall provide maintenance for such memorials.

(d) The Administrator may conduct a competition to select a designer for the memorial authorized by this subsection. Such competition shall be open to landscape and other architects, artists, artisans, and designers.

TITLE IV—MIXED USE AND ADAPTIVE USE IN PUBLIC BUILDINGS

SEC. 401. This title may be cited as the "Public Buildings Cooperative Use Act Amendments of 1983".

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

SEC. 402. (a) Section 102(a)(2) of the Public Buildings Cooperative Use Act of 1976 is amended to read as follows:

"(2) encourage the location of commercial, cultural, educational, and recreational activities as tenants primarily on major pedestrian access levels, courtyards, and rooftops of public buildings, and design, construct and lease space suitable for such activities: *Provided,* That the amount of space so leased in any public building—

"(A) shall be determined by the Administrator in light of the market for such activities or the need and potential for promoting commercial or cultural activity in the vicinity of the building or serving the employees and visitors in the building; and

"(B) shall not exceed 15 per centum of the occupiable space in the public building, except in instances where the Administrator determines that the configuration of pedestrian access levels in the building justifies the leasing of a greater amount of space;".

(b) Section 102(a)(4) of the Public Buildings Cooperative Use Act of 1976 is amended to read as follows:

"(4) encourage the public use of public buildings for occasional cultural, educational, and recreational

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

activities and design, construct, and maintain space and equipment in public buildings suitable for such activities, including activities described in section 503(a) of the Public Buildings Act of 1983.".

SEC. 403. Section 103 of the Public Buildings Cooperative Use Act of 1976 is repealed and sections 104 and 105 are redesignated as sections 103 and 104, respectively.

SEC. 404. Section 103(a) of the Public Buildings Cooperative Use Act of 1976, as amended, and the first sentence of section 210(a)(16) of the Federal Property and Administrative Services Act of 1949 are amended to read as follows:

"(16) to enter into leases of space in public buildings, in accordance with section 102(a)(2) of the Public Buildings Cooperative Use Act of 1976, as amended, with persons, firms, or organizations engaged in commercial, cultural, educational, or recreational activities (as defined in section 104 of the Public Buildings Cooperative Use Act of 1976, as amended).".

SEC. 405. Section 104 of the Public Buildings Cooperative Use Act of 1976, as amended, is amended by striking paragraph (2) and inserting in lieu thereof the following:

"(2) The terms 'public building' and 'Federal agency' have the same meaning as are given them in section 112 of the Public Buildings Act of 1983.".

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

TITLE V—EXHIBITIONS AND WORKS OF ART

SEC. 501. This title may be cited as the "Federal Buildings Enhancement Act of 1983".

SEC. 502. (a) The Congress hereby finds and declares that—

(1) the efficient use of Federal buildings can be increased, and public satisfaction with Federal buildings will be improved, by insuring that such buildings not only provide a congenial work environment but also function attractively for public service;

(2) Federal buildings should enrich the social, commercial, and cultural resources of the communities they serve; and

(3) Federal buildings will be enhanced by temporary exhibitions of art works and of the Nation's cultural heritage, as well as by suitable permanent works of art incorporated as an integral part of the architecture of Federal buildings.

(b) It is, therefore, the policy of the Congress to encourage and secure Federal building design which is distinguished, which expresses the dignity, enterprise, and stability of the American Government, and which enriches the quality of life in the communities served by such buildings. It is the purpose of this Act to contribute to such design by incorporating permanent installations of suitable works of art into

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Federal buildings. It is the further purpose of this Act to enhance existing Federal buildings by providing for temporary exhibitions of art and history to be circulated among Federal buildings.

SEC. 503. (a)(1) The Administrator, with the advice and assistance of the Chairman of the National Endowment for the Arts, shall acquire by loan, or by lease at nominal fees, works of art by living American artists. Works of art loaned or leased under this subsection shall be organized into exhibitions and circulated by the Administrator among Federal buildings throughout the United States. Such works of art shall be selected from artists representative of the different regions of the United States and its territories, and shall include diverse artistic media.

(2) The Administrator, in conjunction with the Secretary of the Smithsonian Institution, and with other not-for-profit traveling exhibition services shall utilize existing exhibitions and develop new exhibitions which reflect the artistic, cultural, social, scientific, and industrial heritage of the United States or the continuing development of the Nation's art, culture, society, science, and industry.

(A) The Administrator shall circulate and show exhibitions developed under this subsection in Federal buildings throughout the United States. Preference shall be given to Federal buildings in communities that

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

otherwise do not have convenient access to museums of art and history.

(B) The Administrator shall reimburse the Smithsonian Institution and other traveling services an amount not less than the cost to the Institution or to such other services of carrying out the provisions of this subsection.

(b)(1) The Administrator, with the advice and assistance of the Chairman acting in cooperation with the appropriate arts agencies at State and local levels, shall commission suitable works of art by American artists to be purchased and installed in Federal buildings. The preliminary planning and design of each new Federal building shall include planning for such commissions, which may include a variety of compatible works. The Administrator shall insure that Federal buildings selected for the installation of such commissioned works of art are equitably distributed within the United States and its territories, and shall consider a diversity of artistic media in commissioning such works of art. The Administrator shall provide for necessary services to keep and preserve such works of art in a state of high quality.

(2) Whenever the Administrator commissions a work of art for a new Federal building pursuant to paragraph (1) of this subsection, he shall instruct that such work shall be an integral part of the architectural design. In the case of an

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

existing public building, such work shall be appropriate to the setting and space available. The administrator shall seek to avoid the development of an official style either in architecture or associated works of art. Federal commissions should give expression to the vitality and diversity of American life.

(3) In carrying out the provisions of this subsection, the Administrator, with the advice and assistance of the Chairman acting in consultation with the appropriate arts agencies at State and local levels, shall establish such procedures as may be necessary to commission suitable works of art, with or without competition, and shall give full consideration to the participation of local artists.

(c)(1) For the purpose of this section, the Administrator is authorized to utilize one-half of 1 per centum of the total sums available in fiscal year 1984 and each fiscal year thereafter for the design, construction, repair, renovation, alteration, and acquisition of public buildings.

(2) Funds available under this subsection shall be available, without fiscal year limitation, to the Administrator for the purposes set forth in subsections (a) and (b) of this section and in subsection 304(5): *Provided,* That not to exceed 25 per centum of such funds shall be expended for purposes set forth in subsection (a) of this section, and not to exceed 75 per centum of such funds shall be expended for purposes set

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

forth in subsection (b) of this section and for purposes set forth in subsection 304(5).

(d) For the purpose of this title—

(1) the term "Federal buildings" means public buildings, under the jurisdiction of the Administrator of General Services, that attract, or are expected to attract, significant public use;

(2) the term "Chairman" means the Chairman of the National Endowment for the Arts; and

(3) the term "works of art" includes, but is not limited to, paintings, sculptures, crafts, works on paper, and environmental works.

TITLE VI—ARCHITECTURAL SERVICES

SEC. 601. The Administrator shall employ professionally trained architects, engineers, landscape architects, interior and graphic designers, and urban planners to prepare, under the supervision of the Supervising Architect, plans, drawings, and specifications for such public building construction and renovation projects as the Commissioner of Public Buildings may designate, but in any case to provide the kind and number of projects necessary annually to enable such employees to utilize their professional skills and training.

SEC. 602. (a) Those architectural services not provided pursuant to section 601 shall be procured in accordance with title IX of the Federal Property and Administrative Services

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Act of 1949, as amended, and the Administrator shall conduct a design competition among no fewer than three qualified architectural firms to select the architects for a substantial portion of the public building construction and renovation projects each year, including particularly—

(1) renovation projects involving extensive architectural changes or additions to buildings of historic, architectural, or cultural significance;

(2) construction projects for buildings of high public use or visibility, including, but not limited to any building provided pursuant to section 303 of this Act; and

(3) projects presenting special design problems or opportunities related to structure, function, or compatibility with surroundings.

(b) The Administrator shall indicate each year, in the program submitted pursuant to section 801 of this Act, those public building construction and renovation projects with respect to which he proposes to conduct design competitions.

(c) With respect to a significant portion of the competitions conducted each year, the competitions shall last no longer than sixty days from the date the Administrator provides the firms with a competition program and the competitions shall elicit from each firm preliminary design concepts only.

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

(d) The Administrator shall negotiate first with the firm judged at the conclusion of each competition to have demonstrated the best design approach to the project. The Administrator shall make public and provide to the competing firms at the time a selection is announced under any of the provisions of this section, a brief report describing the reasons for the selection made.

(e) The Administrator shall provide, in total stipends or prizes to all of the firms that take part in any one competition conducted under this section, a sum equal to no more than one-half of 1 per centum of the expected cost of the design and construction of the project, and shall conduct each competition under such rules and procedures as will assure that fair compensation for work required from the firms does not exceed that amount.

(f) The Administrator is authorized to acquire the services of privately employed architects, engineers, and other citizens on a temporary basis to serve on panels to assist in selecting and judging architectural firms under the provisions of this section. Persons so employed shall not be considered special Government employees under the provisions of section 201(a) of the Ethics in Government Act of 1978.

TITLE VII—LEASING

SEC. 701. It is the policy of the United States to house Government offices in public buildings. Space shall be leased

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

only to accommodate the emergency or temporary requirements of the Government, to accommodate Government activities of insufficient scale to warrant providing a public building, and to take account of conditions that make Government construction or acquisition of necessary public building space economically infeasible or disadvantageous.

SEC. 702. (a) In recommending projects and actions to accommodate the public building needs of the United States in accordance with section 801 of this Act, the Administrator shall provide realistic comparisons of the long-term costs and benefits of construction, acquisition, and leasing. Such comparisons shall consider, as necessary, assumptions of present and future inflation, interest rates, and operating and other expenses of the various alternatives. In any case in which the Administrator recommends a project or action other than that for which the long-term costs are lowest, he shall explain the basis for his alternative recommendation.

(b) Within nine months of the date of enactment of this Act, the Director of the Office of Management and Budget and the Administrator shall jointly submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report detailing methods to be used in formulating the long-term comparisons of costs and benefits required pursuant to this section. The report may be prepared

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

in cooperation with experts from private industry and shall include a comparison of the methods proposed with those used in private industry.

(c)(1) It is the sense of the Congress that long-term economies would be effected by assuring that, within ten years of the date of enactment of this Act, no fewer than 80 per centum of the officers and employees of the Government whose offices are provided under this Act have principal offices in public buildings.

(2) To the extent possible, the preferred ratio of the officers and employees of the Government provided offices in leased space to those provided offices in public building space shall be achieved uniformly throughout the Nation: *Provided,* That, in attempting to achieve this uniformity the Administrator shall take into account comparative local vacancy and rental rates for office space, and other market conditions and program considerations in such manner as to maximize the economic benefit to the Federal Government and to localities throughout the Nation.

SEC. 703. Notwithstanding the provisions of section 210(h)(1) of the Federal Property and Administrative Service Act of 1949, the Administrator shall not make any agreement or undertake any commitment that will cause the construction of any building other than a Government owned building unless before so agreeing or undertaking—

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

(1) the Administrator establishes specifications for the building identical to the criteria established pursuant to section 302 of this Act for the construction of public buildings;

(2) the Administrator secures the option to purchase the building at any time during or at the conclusion of the lease term, unless the Administrator provides the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives an explanation of his reasons for not securing such an option; and

(3) the Administrator has conformed with the provisions of section 706 of this Act.

SEC. 704. It is the policy of the United States not to lease space to accommodate, and no additional space shall henceforth be leased to accommodate, except as may be necessary to meet temporary and urgent requirements that cannot be met in public buildings—

(1) major computer operations;

(2) offices that conduct secure or sensitive activities related to the national defense or security, except to the extent that it would be inappropriate to locate such offices in public buildings or in other facilities identified with the United States Government;

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

(3) offices, the nature of which would require major alterations in the structure or mechanical systems of the building to be leased; or

(4) permanent courtrooms, judicial chambers, or administrative offices for any United States court.

SEC. 705. (a) For the purposes of this Act, sections 321 and 322 of the Act entitled "An Act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1932, shall not apply.

(b) No lease may be negotiated for a rental exceeding the current commercial rates and charges for space and services of nearest comparable quality in that locality.

SEC. 706. (a) The Administrator shall publicly solicit competitive bids to procure space by lease for the Government. Each such solicitation shall specify any special requirements of building design, configuration, or location.

(b) In evaluating competing bids, the Administrator shall take into account proposed rental costs and services offered, overall quality and safety of the buildings, energy efficiency, and their relative conformity to the requirements of titles II and III of this Act.

(c) No option to purchase a building shall be paid for unless the payment for such option is made separately from

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

any lease payment and unless such payment has first been authorized under the provisions of title VIII of this Act.

SEC. 707. The Administrator shall provide a copy of the lease agreement between the Government and the owner of each leased building, and a copy of subsequent additions or revisions to the lease agreement, to the highest ranking official in the leased building of each Federal agency occupying space in the building.

TITLE VIII—CONGRESSIONAL AUTHORIZATION

SEC. 801. (a) The Administrator shall submit to the Congress, not later than the fifteenth day after Congress convenes each year, a program of projects and actions for the next succeeding fiscal year which the Administrator deems necessary in carrying out his duties under this Act. Such program shall include but is not limited to—

(1) a five-year plan for accommodating the public building needs of the United States,

(2) a list, in priority order, of construction, renovation, and acquisition projects for which authorization for appropriations are requested for the next succeeding fiscal year, including a description of the project and the number of square feet of space involved,

(3) a list, in priority order, of lease and lease renewals for which authorization for appropriations are requested for the next fiscal year,

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

(4) a list of all public buildings proposed to be vacated in whole or in part, to be exchanged for other property, or to be disposed of,

(5) a proposed budget for the repair and maintenance of public buildings,

(6) a year by year program that would be required to meet the provisions of section 702(c) of this Act and an analysis of the costs and benefits of the program, together with an analysis of costs and savings of alternative programs, and

(7) a description of how the projects and leases included in the program, separately and together, conform to the provisions of this Act and the estimated annual and total cost of each project and lease.

(b)(1) The Administrator shall certify in the annual program submitted in accordance with subsection (a) that he has held a public hearing, or afforded the opportunity for such hearing, in the locality or proposed locality of each major construction, renovation, or acquisition project included in the annual program. Such hearing shall consider the economic and social effects of the project, its impact on the environment, its consistency with the goals and objectives of such urban planning as has been promulgated by the community, and its conformance with titles II and III of this Act: *Provided,* That, only such facts and issues as can reasonably be

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

adduced during the planning and preliminary design of a project shall be considered at such hearing.

(2) The Administrator shall provide, along with each certification regarding a public hearing, the final environmental impact statement prepared pursuant to the National Environmental Policy Act, and a report which indicates the consideration given to facts and issues concerning the project and various alternatives which were raised during the hearing or which were otherwise considered.

LIMITATIONS ON AUTHORIZATIONS AND APPROPRIATIONS

SEC. 802. (a) No appropriation, including any appropriation from the fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, shall be made by the Congress or obligated by the Administrator to carry out the purposes of this Act, unless it has been authorized by the Congress in accordance with section 803 of this Act.

(b) No public building construction, renovation, or acquisition shall be commenced unless an appropriation has first been made for the estimated cost of completion of such construction, renovation, or acquisition in the fiscal year for which such appropriation is authorized. Beginning in fiscal year 1985, no lease shall be entered into unless the authority to enter into contracts has first been made for the maximum cost of such lease over its entire term in such amounts as are

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

specified in annual appropriations Acts and in the fiscal year for which such lease is authorized.

AUTHORIZATIONS FOR APPROPRIATIONS

SEC. 803. (a) In order to carry out the purposes of this Act and commensurate with the Budget Control Act of 1974, the Committee on Environment and Public Works of the Senate, and the Committee on Public Works and Transportation of the House of Representatives shall report to the Senate and the House of Representatives, respectively, by May 15 of each year, a bill authorizing appropriations for the Public Buildings Service for the fiscal year beginning on October 1 of that year.

(b) The bill reported pursuant to subsection (a) of this section by the Committee on Environment and Public Works of the Senate shall, and the bill reported pursuant to subsection (a) of this section by the Committee on Public Works and Transportation of the House of Representatives may, specifically authorize the location and amount of any major construction and acquisition project, and any major renovation, alteration and repair project.

(c) The committee of conference on authorization bills committed to conference in accordance with this section may include in its report major construction and acquisition projects and major renovation, alteration and repair projects approved by resolutions of the Committee on Public Works and

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Transportation of the House of Representatives prior to May 15 of the year preceding the beginning of the fiscal year for which the bill authorizes appropriations: *Provided,* That the aggregate monetary authorization in the report of the committee of conference may not exceed the higher of the aggregate authorizations contained in the bills committed to conference.

SEC. 804. Funds which are appropriated in accordance with section 803, of this Act for construction, renovation, repair, acquisition, alteration or lease shall remain available for obligation and expenditure without regard to fiscal year limitations: *Provided,* That construction, renovation, or acquisition has been commenced, or lease entered into, pursuant to section 802(b) of this Act.

SEC. 805. Ten per centum of the funds made available to the Public Buildings Service for construction, renovation, alteration, and repair of public buildings shall be available for repair or alteration projects and leases not otherwise authorized by this Act, if the Administrator certifies that the space to be repaired, altered, or leased resulted from emergency building conditions or changing or additional programs of Federal agencies not anticipated at the time the program required by section 801 of this Act was submitted. Funds for such projects may not be obligated until thirty days after the submission by the Administrator of an explanatory statement

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. The explanatory statement shall, among other things, include a statement of the reasons why such project or lease cannot be deferred for authorization in the next succeeding fiscal year.

SEC. 806. (a) When the cost of a project exceeds the estimated maximum cost authorized in accordance with section 803 of this Act, the Administrator is authorized to either (A) increase expenditures by an amount equal to the percentage increase in the cost of the project, or (B) decrease the number of gross square feet to be constructed in the project. In no event shall the total increase in expenditures authorized by clause (A) of this paragraph exceed 10 per centum of the estimated maximum cost of the project. In no event shall the total decrease in square feet authorized under clause (B) of this paragraph exceed more than 10 per centum of the gross square feet stated in the approved authorization.

(b) If the Administrator determines that the cost of a project exceeds the estimated maximum cost authorized under section 803 of this Act to such an extent that action under subsection (a) of this section is not sufficient to meet such excess cost, the Administrator shall report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1

House of Representatives concerning the project. Such report shall include recommendations by the Administrator as to appropriate action to enable the continuance of the project. The Administrator may not take any action to continue the project, other than the action authorized by subsection (a) of this section, unless such action has been authorized by the Congress in accordance with section 803 of this Act.

TITLE IX—MISCELLANEOUS

SEC. 901. This Act shall become effective on October 1, 1983.

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Approved For Release 2008/09/12 : CIA-RDP95B00895R000300010010-1